

AO 120 (Rev. 2/99)

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. C-11-2471-EDL	DATE FILED May 20, 2011	U.S. DISTRICT COURT Office of the Clerk, 450 Golden Gate Ave., 16 th Floor, San Francisco, CA 94102
PLAINTIFF EIT HOLDINGS LLC		DEFENDANT TICKETMASTER L.L.C.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,828,837		
2		
3		"PLS. SEE ATTACHED COPY OF COMPLAINT"
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wieking	(BY) DEPUTY CLERK Thelma Nudo	DATE May 20, 2011
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

E-FILING

ORIGINAL FILED

MAY 20 2011

Richard W. Wiekling
Clerk, U.S. District Court
Northern District of California
San Jose

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13 EIT Holdings LLC

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

EDL

CV 11-02471

16 EIT HOLDINGS LLC, a Delaware company,

Case No.

17 Plaintiffs,

**ORIGINAL COMPLAINT
FOR: PATENT INFRINGEMENT**

18 vs.

19 TICKETMASTER L.L.C., a Virginia
20 Corporation,

DEMAND FOR JURY TRIAL

21 Defendants.

22 **ORIGINAL COMPLAINT**

23 Plaintiff EIT Holdings LLC ("Plaintiff" or "EIT"), files this Original Complaint against
24 Ticketmaster L.L.C. ("Ticketmaster") alleging as follows:

25 **THE PARTIES**

26 1. Plaintiff, EIT Holdings LLC is a limited liability company organized under the
27 laws of the state of Delaware, having its principal place of business at 2711 Centerville Road,
28 Suite 400, Wilmington, DE, 19808.

2. Defendant Ticketmaster, on information and belief, is a corporation organized under the laws of the State of Virginia, and has a principal place of business at 8800 W. Sunset Blvd, West Hollywood, CA. 90069. Ticketmaster may be served through its Counsel, Ryan M. Kent, Durie Tangri, 217 Leidesdorff Street, San Francisco, CA 94111.

JURISDICTION & VENUE

3. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et seq., and jurisdiction is properly based on 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, the Defendant transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

PATENT INFRINGEMENT COUNT

5. On December 10, 2010, EIT filed a patent infringement action against multiple Defendants, including Ticketmaster, in the Northern District of California (C-10-05623-WHA) before the Honorable William H. Alsup. On May 11, 2011, Judge Alsup held that the Defendants, including Ticketmaster, were improperly joined. He dismissed all except the first-named Defendant and invited counsel to re-file against each Defendant in a separation action.

6. On October 27, 1998, United States Patent No. 5,828,837 ("the '837 patent") entitled "Computer Network System and Method for Efficient Information Transfer" was duly and legally issued. EIT holds the title by mesne assignments from the inventor, including the right to sue for past, present and future damages. A copy of the '837 patent is attached as Exhibit A. The '837 patent is directed to a method and system that maintains a profile for registered users and then transmits references to target information to the users based on their profile.

7. Pursuant to 35 U.S.C. § 282, the '837 patent is presumed valid.

8. To the extent necessary, Plaintiff has complied with the notice and marking requirements of 35 U.S.C. § 287.

9. Ticketmaster utilizes a website that provides commercial and non-commercial information or allow users to buy products or services. Its website allows users to register and

1 create a user account, which includes a unique id such as a unique email address or a user defined
2 unique username for ordering or accessing information. Ticketmaster receives and stores
3 information about the users in a database through the use of a web connected server. When a
4 registered user accesses Ticketmaster's website, references to commercial and non-commercial
5 target information, such as advertisements, additional content on areas of interest or information
6 about additional products, are transmitted to the user and displayed on his or her web accessible
7 device including but not limited to a desktop computer, a laptop computer, a mobile phone or a
8 game console. Ticketmaster determines appropriate target information for each user based on the
9 user profile information including but not limited to demographics, personal preferences, interests,
10 past content viewing history and past purchase history.

11 10. Ticketmaster, on information and belief, utilizes a computer network system and
12 method for transferring information that infringes at least claims 40 and 41 of the '837 patent, by
13 utilizing the features described in Paragraph 9 on at least its website www.ticketmaster.com,
14 www.livenation.com and/or other websites utilizing similar features. By making, operating, using
15 and/or selling such websites, Ticketmaster has infringed and continues to infringe, contribute to
16 the infringement of, or induce the infringement of at least claims 40 and 41 of the '837 patent,
17 either literally or under the doctrine of equivalents.

18 11. Accordingly, Ticketmaster's acts of infringement of the '837 patent, as alleged
19 above, have injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to
20 compensate it for Ticketmaster's acts of infringement, which in no event can be less than a
21 reasonable royalty.

22 **DEMAND FOR JURY TRIAL**

23 12. Plaintiff hereby demands a jury trial on all claims and issues.

24 **PRAYER FOR RELIEF**

25 Wherefore, Plaintiff prays for entry of judgment:

26 1. that Defendant Ticketmaster, L.L.C. has infringed one or more claims, specifically
27 claims 40 and 41, of the '837 patent;
28

1 2. that Defendant Ticketmaster, L.L.C. accounts for and pays to Plaintiff all damages
2 caused by the infringement of the '837 patent, which by statute can be no less than a reasonable
3 royalty;

4 3. that Plaintiff be granted pre-judgment and post-judgment interest on the damages
5 caused to them by reason of Defendant Ticketmaster L.L.C.'s infringement of the '837 patent;

6 4. that costs be awarded to Plaintiff; and

7 5. that Plaintiff be granted such other and further relief as the Court may deem just
8 and proper under the current circumstances.

9 Dated: May 20, 2011

Respectfully submitted,

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11 By: 

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17 **ATTORNEYS FOR PLAINTIFF**
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